

ORDINANCE NUMBER 2026-044

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA; IMPOSING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, REVIEW, OR APPROVAL OF APPLICATIONS FOR DEVELOPMENT PERMITS, DEVELOPMENT ORDERS, REZONING, OR SITE PLANS RELATED TO DATA CENTERS, DATA PROCESSING FACILITIES, DATA MINING OR CRYPTOCURRENCY MINING OPERATIONS (REFERENCED HEREIN COLLECTIVELY AS DATA CENTER FACILITIES) WITHIN UNINCORPORATED NASSAU COUNTY, FLORIDA; ADOPTING FINDINGS; PROVIDING FOR THE STUDY AND DEVELOPMENT OF APPROPRIATE LAND USE REGULATIONS ADDRESSING SUCH DATA CENTER USES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners (Board) has the authority pursuant to Chapter 125, Florida Statutes, and Article VIII of the Florida Constitution to protect the public health, safety and general welfare of its residents and to enact ordinance for valid governmental purposes that are no inconsistent with general or special law; and

WHEREAS, on April 13, 2026, the Board directed the County Attorney to prepare an ordinance instituting a temporary moratorium on the acceptance, review, or approval of applications for data center facilities; and

WHEREAS, Nassau County is located within a coastal region, an area that relies heavily upon groundwater resources from the Floridan Aquifer system, which has historically been subject to significant management and conservation efforts due to saltwater intrusion risks and long-term sustainability concerns; and

WHEREAS, state and regional planning efforts emphasize the importance of careful management of groundwater withdrawals and coastal water resources to ensure long-term environmental and economic stability for coastal communities; and

WHEREAS, data center facilities are known to require substantial water resources for cooling systems and substantial electrical power to support continuous computing operations, which in some cases require infrastructure demands comparable to small municipalities; and

WHEREAS, such facilities have the potential to place significant demands on regional groundwater supplies, water treatment infrastructure, and electrical grid capacity, particularly in rapidly growing areas; and

WHEREAS, the Board finds that Nassau County currently lacks specific zoning provisions or development regulations addressing the unique operational characteristics, infrastructure requirements, and environmental considerations associated with data center facilities; and

WHEREAS, the Board further finds that allowing such facilities to proceed without appropriate regulatory standards could create risks to the County's water resources, electrical infrastructure capacity, land use planning objectives, and long-term community development strategy; and

WHEREAS, Nassau County's proximity to sensitive coastal ecosystems, wetlands, estuarine systems, and maritime forests further underscores the importance of ensuring that new forms of industrial-scale development are evaluated carefully and responsibly; and

WHEREAS, local governments may enact moratoriums if the moratorium is intended to preserve the status quo and is rationally related to the government's attempt to enact changes to development regulations. (*WCI Communities Inc. v. City of Coral Springs*, 885 So. 2d 912 (Fla. 4th DCA 2004)); and

WHEREAS, Florida courts have held that permissible basis for land use restrictions include concern about the effect of the proposed development on traffic, congestion, surrounding property values, demands for public services, and on other aspects of the general welfare (*WCI Communities Inc. v. City of Coral Springs*, 885 So.2d 912 (Fla. 4th DCA 2004; *see also Corn v. City of Lauderdale Lakes*, 997 F.2d 1369, 1375 (11th Cir. 1993)); and

WHEREAS, local governments are entitled to enact moratoriums as a land-use tool to promote effective planning and preserve the status quo during this change (*Tahoe-Sierra Pres. Council, Inc. v. Tahoe Reg'l Planning Agency*, 535 U.S. 302, 337, 122 S.Ct. 1465, L.Ed.2d 517 (2002) (holding temporary moratoria are used widely among land use planners to preserve the status quo while formulating a more permanent development strategy); and

WHEREAS, the County is actively engaged in the process of review, study, and planning public workshops and hearings to prepare and adopt amendments to its Comprehensive Plan, Land Development Regulations, and Code of Ordinances as may be necessary to address the demands of data center facilities; and

WHEREAS, a temporary moratorium on the acceptance, review, or approval of applications for development permits, development orders, rezoning, or site plans related to data center facilities within unincorporated Nassau County will allow time to review, study, hold public hearing, and prepare and adopt an amendment or amendments to the County Comprehensive Plan, Land Development Regulations, or Code of Ordinances, as may be required, to address such uses; and

WHEREAS, the Board wishes to establish a temporary moratorium of up to one (1) year on the acceptance, review, or approval of applications for development permits, development orders, rezoning, or site plans related to data center facilities within unincorporated areas and such moratorium is reasonable and necessary to accomplish the goal of revising its regulations to ensure the community welfare is well-balanced and the public health, safety and general welfare are preserved; and

WHEREAS, public notice of all hearings required by law has been provided in accordance with Chapters 125 and 163, Florida Statutes and the Nassau County Land Development Code; and

WHEREAS, the Board of County Commissioners finds this ordinance imposing a one (1) year temporary moratorium on the acceptance, review, or approval of applications for data center facilities serves the health, safety, and welfare of the residents of and visitors to Nassau County, Florida.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Nassau County, Florida as follows:

SECTION 1. FINDINGS OF FACT.

The foregoing recitals are hereby adopted as legislative findings of the Board of County Commissioners and are ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption thereof.

SECTION 2. PURPOSE.

The purpose of this Ordinance is to allow Nassau County sufficient time to review, study, hold public hearings, and prepare and adopt an amendment or amendments to the Nassau County Comprehensive Plan, Land Development Code and/or Code of Ordinances, relating to Data Center Facilities.

SECTION 3. TEMPORARY MORATORIUM ESTABLISHED.

A temporary moratorium is hereby established on the acceptance, review, processing, or approval of any:

- rezoning applications
- conditional use permits
- development permits
- site plan approvals
- building permits
- or other development approvals

for the construction, expansion, or operation of Data Center Facilities within the unincorporated areas of Nassau County.

SECTION 3. DEFINITION.

For the purposes of this moratorium, Data Center Facilities is a building, a dedicated space within a building, or group of buildings housing computer systems and associated components, such as telecommunication and data processing systems, to be used for remote storage, processing, or distribution of large amounts of data. Examples of such data, include but are not limited to, computationally intensive applications such as cryptocurrency mining, artificial intelligence (A.I.) computing, weather modeling, genome sequencing, application hosting, cloud storage, video and technical streaming services, etc. Such facilities may include air handlers, power generators, water cooling and storage facilities, utility substations, and other infrastructure to support operations.

SECTION 4. STUDY AND EVALUATION.

During the moratorium period, Nassau County staff shall conduct a comprehensive review of the potential impacts associated with data center facilities, including but not limited to:

1. Groundwater withdrawal impacts, particularly as they relate to the Floridan Aquifer and coastal aquifer management policies.
2. Water supply and wastewater treatment capacity, including potential impacts on municipal and regional water systems.
3. Electrical grid capacity and infrastructure requirements, including consultation with regional electric utilities regarding potential long-term demand impacts.
4. Land use compatibility, including appropriate zoning classifications and development standards for such facilities.
5. Environmental considerations, including impacts on wetlands, coastal ecosystems, noise, lighting, and surrounding land uses.
6. Best practices adopted by other jurisdictions in Florida and throughout the United States for the regulation of data center development.

SECTION 5. DEVELOPMENT OF REGULATORY FRAMEWORK.

Following the completion of and during the review process, County staff shall present best practices, hold public workshops, and make final recommendations to the Board of Commissioners regarding the adoption of appropriate zoning regulations, permitting requirements, infrastructure standards, and environmental safeguards governing data center facilities within Nassau County.

SECTION 6. DURATION.

This temporary moratorium shall remain in effect for a period of twelve (12) months from and including the effective date of this Ordinance or until the effective date of an ordinance(s) amending the Nassau County Comprehensive Plan, Land Development Regulations and/or the Code of Ordinances relating to Data Center Facilities, whichever first occurs.

SECTION 7. CONFLICTING PROVISIONS.

All ordinances, or parts of ordinances, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 8. SEVERABILITY.

It is the intent of the Board of County Commissioners of Nassau County, Florida, and is hereby provided, that if any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 9. EFFECTIVE DATE.

This Ordinance shall take effect upon filing with the Secretary of State as provided in Florida Statutes, Section 125.66.

ADOPTED THIS ____ DAY OF _____, 2026 BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA

ALYSON R. MCCULLOUGH
Chair

ATTEST AS TO CHAIR’S SIGNATURE:

MITCH L. KEITER
Its: Ex-Officio Clerk

Approved as to form by the Nassau County Attorney:

DENISE C. MAY